

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In re:

Chapter 13

**KENTON DWAYNE POWELL &  
JENNIFER ELLEN POWELL,**

CASE NO: 12-22367-PP-13

Debtors.

NOTICE OF MOTION FOR ABANDONMENT  
AND RELIEF FROM AUTOMATIC STAY

BANK OF AMERICA, N.A. (hereinafter referred to as "Movant") by its attorneys Blommer Peterman, S.C., has filed papers to request that the Court grant it relief from the automatic stay imposed by Sec. 362(a) of the Bankruptcy Code and for abandonment of property of the estate.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant the relief sought by the Movant in this Motion, or if you want the Court to consider your views on this Motion, then, **within fourteen (14) days of the date of this Notice**, you or your attorney must file a written objection with the Court and request a hearing. Your objection must be sent to:

Bankruptcy Clerk of Court  
US Courthouse  
517 E. Wisconsin Avenue  
Milwaukee, WI 53202

Blommer Peterman S.C. 165 Bishops Way, Suite 100  
Brookfield, WI 53005 262-790-5719 shannon@blommerpeterman.com

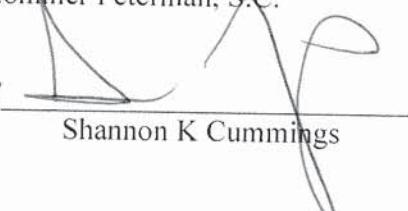
If you mail your objection and request for hearing to the Court for filing, you must mail it early enough so that the Court will receive it within fourteen (14) days of the date of this Notice.

You must also mail a copy of your objection and request for hearing to Movant's Attorney:

Shannon K Cummings  
Blommer Peterman, S.C.  
165 Bishops Way, Suite 100  
Brookfield, WI 53005

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief and abandonment as requested.

Dated this 5 day of February, 2013

Blommer Peterman, S.C.  
  
/s/  
Shannon K Cummings

Prepared by:  
Shannon K Cummings  
Blommer Peterman, S.C.  
165 Bishops Way, Suite 100  
Brookfield, WI 53005  
262-790-5719  
shannon@blommerpeterman.com

Blommer Peterman, S.C. is the creditor's attorney and is attempting to collect a debt on its client's behalf, and any information obtained will be used for that purpose.

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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In re:

**KENTON DWAYNE POWELL &  
JENNIFER ELLEN POWELL,**

Debtors.

Chapter 13

CASE NO: 12-22367-PP-13

**MOTION OF BANK OF AMERICA, N.A. FOR ABANDONMENT AND RELIEF FROM  
AUTOMATIC STAY  
(REAL PROPERTY)**

BANK OF AMERICA, N.A. ("Movant") hereby moves this Court for abandonment, pursuant to 11 U.S.C. § 554, and for relief from the automatic stay, pursuant to 11 U.S.C. § 362, with respect to certain real property of the Debtors having an address of 3525 Haven Avenue, Racine, WI 53405 (the "Property"), for all purposes allowed by the Note (defined below), the Mortgage (defined below), and applicable law, including but not limited to the right to foreclose.

In further support of this Motion, Movant respectfully states:

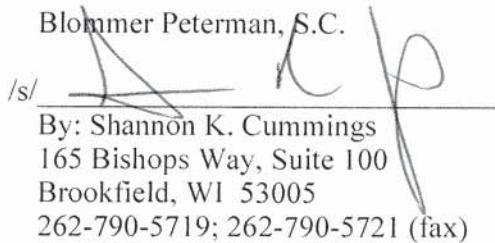
1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtors on 02/29/2012.
2. A Chapter 13 Plan was confirmed on 07/17/2012.
3. The Debtors have executed and delivered or are otherwise obligated with respect to a certain promissory note (the "Note"), a copy which is attached hereto as Exhibit A. Movant is an entity entitled to enforce the Note.
4. Pursuant to that certain Mortgage (the "Mortgage"), all obligations (collectively, the "Obligations") of the Debtors under and with respect to the Note and the Mortgage are secured by the Property and the other collateral described in the Mortgage. A copy of the Mortgage is attached hereto as Exhibit B.

5. All rights and remedies under the Mortgage have been assigned to the Movant pursuant to that certain assignment of mortgage, a copy of which is attached hereto as Exhibit C.
6. Bank of America, N.A. services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed.
7. The plan calls for the Debtors to surrender the Property.
8. As of February 15, 2013, the approximate outstanding amount of the Obligations less any partial payments or suspense balance is \$133,867.24.
9. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$650.00 in legal fees and \$176.00 in costs. Movant reserves all rights to seek an award or allowance of such fees and costs in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.
10. The estimated market value of the Property is \$134,676.78 according to the local taxing authority.
11. Cause exists for relief from the automatic stay for the following reasons:
  - (a) Movant's interest in the Property is not adequately protected.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay for all purposes allowed by the Note, the Mortgage, and applicable law, including but not limited allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and any and all other collateral pledged under the Mortgage.
2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
4. For such other relief as the Court deems proper.

Dated this 15 day of February, 2013

  
Blommer Peterman, S.C.  
/s/  
By: Shannon K. Cummings  
165 Bishops Way, Suite 100  
Brookfield, WI 53005  
262-790-5719; 262-790-5721 (fax)

Blommer Peterman, S.C. is the creditor's attorney and is attempting to collect a debt on its client's behalf, and any information obtained will be used for that purpose.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In Re: Kenton Dwayne Powell & Jennifer Ellen Powell      CASE NO: 12-22367-PP-13  
Debtors      AFFIDAVIT OF SERVICE

STATE OF WISCONSIN )  
WAUKESHA COUNTY )

The affiant, being first duly sworn on oath, deposes and states that a copy of the Notice of Motion and Motion for Relief in the above entitled action was served on February 27, 2013 by Electronic Case Filing to the following persons at the following addresses:

**Mary B. Grossman, Trustee**  
P.O. Box 510920  
Milwaukee, WI 53203

**Office of the U.S. Trustee - Eastern**  
517 E. Wisconsin Avenue, Room 430  
Milwaukee, WI 53202

**Attorney Abraham Michelson**  
617-6th Street  
P.O. Box 67  
Racine, WI 53401



Blommer Peterman, S.C.

  
Name: Kathleen Shanahan

Subscribed and sworn to before me  
this 27 day of February, 2013

Tina D. Ties

Notary Public, State of Wisconsin  
My commission expires: 5/11/2014



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In Re: Kenton Dwayne Powell & Jennifer Ellen Powell  
Debtors

CASE NO: 12-22367-PP-13  
AFFIDAVIT OF SERVICE

STATE OF WISCONSIN )  
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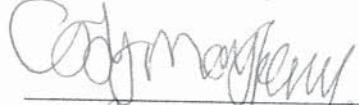
The affiant, being first duly sworn on oath, deposes and states that a copy of the Notice of Motion and Motion for Relief in the above entitled action was served on February 27, 2013 by first class mail, postage prepaid, to the following persons at the following addresses:

**Kenton D. Powell & Jennifer E. Powell**  
3525 Haven Avenue  
Racine, WI 53405

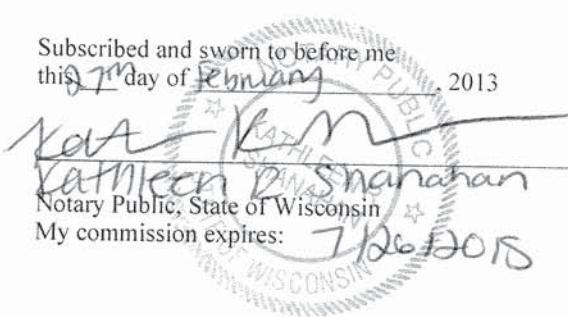
**Attorney Abraham Michelson**  
617-6th Street  
P.O. Box 67  
Racine, WI 53401

\*\*\* Please see attached page(s) for additional Creditors if needed \*\*\*

Blommer Peterman, S.C.

  
\_\_\_\_\_  
Name: Cody Mayberry

Subscribed and sworn to before me  
this 27<sup>th</sup> day of February, 2013

  
Kathleen D. Shanahan  
Notary Public, State of Wisconsin  
My commission expires: 7/26/2015



<b>ACS Services/Wells Fargo Education</b> Attention Collections 501 Bleecker Street Utica, NY 13501	P.O. Box 740256 Atlanta, GA 30374-0256	Racine, WI 53403
<b>AT&amp;T Mobility</b> PO Box 6416 Carol Stream, IL 60197	<b>Experian</b> P.O. Box 2002 Allen, TX 75013-2002	<b>Sallie Mae Loan Servicing Center</b> P.O. Box 9500 Wilkes Barre, PA 18773-9500
<b>AT&amp;T Mobility II LLC</b> %AT&T SERVICES INC. JAMES GRUDUS, ESQ. ONE AT&T WAY ROOM 3A218 BEDMINSTER, NJ 07921	<b>Great Lakes Higher Education Guaranty Corp</b> 2401 International Lane Madison, WI 53704	<b>The Bank of New York Mellon, et al</b> c/o Prober & Raphael Attorney for Secured Creditor P.O. Box 4365 Woodland Hills, CA 91365-4365
<b>Aurora Medical Group</b> P.O. Box 341457 Milwaukee, WI 53234-1457	<b>Harris N.A.</b> Bmo-Harris Bank/Attention: Legal Service 1100 W. Monroe 421 E Chicago, IL 60603	<b>Trans Union Corporation</b> P.O. Box 2000 Crum Lynne, PA 19022-2002
<b>Aurora Medical Group</b> Attn: Collections P.O. Box 343910 Milwaukee, WI 53234	<b>Internal Revenue Service</b> Centralized Insolvency Operations P.O. Box 7346 Philadelphia, PA 19101-7346	<b>U.S. Dept. of Education</b> Direct Loan Servicing Center PO Box 530260 Atlanta, GA 30353-0260
<b>AURORA MEDICAL GROUP INC</b> W180 N11070 RIVER LANE GERMANTOWN, WI 53022	<b>Kohls/Chase Bank</b> P.O. Box 3004 Milwaukee, WI 53201-3004	<b>Wells Fargo</b> c/o ACS PO Box 22724 Long Beach, CA 90801-5724
<b>CBCS</b> PO Box 163250 Columbus, OH 43216	<b>Kohn Law Firm S.C.</b> 312 E. Wisconsin Ave., Suite 501 Milwaukee, WI 53202-4305	<b>Wells Fargo Bank NA</b> Wells Fargo Education Financial Services 301 E 58th Street N Sioux Falls, SD 57104
<b>ChexSystems</b> Attn: Consumer Relations 7805 Hudson Rd. Ste 100 Saint Paul, MN 55125-1595	<b>Medical College of Wisconsin</b> P.O. Box 13367 Milwaukee, WI 53213-0367	<b>Wells Fargo Card Services</b> 1 Home Campus 3rd Floor Des Moines, IA 50328
<b>Children's Hospital and Health System</b> P.O. Box 13367 Milwaukee, WI 53213-0367	<b>Milwaukee Board of School Directors</b> 200 E. Wells Street Milwaukee, WI 53208-2698	<b>Wells Fargo Education Financial Services</b> PO Box 5185 Sioux Falls, SD 57117-5185
<b>Children's Hospital of Wisconsin</b> Drawer 531 Milwaukee, WI 53278-0531	<b>Milwaukee Board of School Directors</b> DBA Milwaukee Public c/o Kohn Law Firm 312 East Wisconsin Ave Suite 501 Milwaukee, WI 53202	<b>Wells Fargo Financial Bank</b> Attn: Bankruptcy Dept 4137 121st St. Urbandale, IA 50323
<b>Citation Collection Services</b> PO Box 68963 Indianapolis, IN 46268	<b>Nelnet</b> 3015 Parker Road Aurora, CO 80014	<b>Wisconsin Dept. of Revenue</b> Special Procedures Unit P.O. Box 8901 Madison, WI 53708-8901
<b>Citi Corp. Credit Cards</b> Credit Service Central Bankruptcy Department P.O. Box 20507 Kansas City, MO 64195	<b>Nelnet on behalf of the U.S. Department of Education</b> 3015 South Parker Road, Suite 400 Aurora, CO 80014	
<b>ECMC</b> P. O. Box 75906 St. Paul, MN 55175	<b>Racine City Treasurer</b> 730 Washington Ave. Racine, WI 53403	
<b>Equifax Information Services LLC</b>	<b>Racine County Treasurer</b> Racine County Courthouse 730 Wisconsin Ave.	